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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,211	07/11/2003	Gordon I. Russell	T8466109US	3111

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EXAMINER	
BELL, BRUCE F	

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,211	RUSSELL ET AL.	
	Examiner	Art Unit	
	Bruce F. Bell	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 11 July 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-6, drawn to a method of controlling cathodic protection, classified in class 205, subclass 725.

   II. Claims 7-14, drawn to a method for controlling the efficacy of cathodic protection, classified in class 204, subclass 196.02.

   III. Claims 15-20, drawn to a system for effecting non-destructive testing, classified in class 73, subclass 602.

   IV. Claims 21-22, drawn to a system for measuring a characteristic of a metallic structure, classified in class 204, subclass 404.

   V. Claim 23, drawn to a system for mitigating a stray current, classified in class 361, subclass 118.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are directed to a method of controlling cathodic protection and a system for controlling the efficacy of cathodic protection, respectively. The system of group II requires a means for measuring an efficacy of the cathodic protection and a passage for receiving movement of the means for measuring an efficacy of the cathodic protection which is not found in the group I method. Further, the group I method requires applying a cathodic protection agent, measuring the cathodic protection indication, comparing the cathodic protection indication and adjusting the cathodic protection agent, none of which is required for the group II claims.

Inventions I and III are directed to a method of controlling cathodic protection and a system for effecting non-destructive testing, respectively. The structural features of a radiation transmitter and a receiver of the group III claims are not required in the group I claims.

Inventions I and IV are directed to a method of controlling cathodic protection and a system for measuring characteristic of a metallic structure, respectively. The process of group I does not require the passage for receiving movement of the means for sensing to effect positioning as set forth in the group IV claims, and the group IV claims do not requires applying a cathodic protection agent, measuring the cathodic protection indication, comparing the cathodic protection indication and adjusting the cathodic protection agent.

Inventions I and V are directed to a method of controlling cathodic protection and a system for mitigating stray current, respectively. The group I claims do not require the means for mitigating stray current and the group V claims do not require applying a cathodic protection agent, measuring the cathodic protection indication, comparing the cathodic protection indication and adjusting the cathodic protection agent.

Inventions II and III are directed to a system for controlling the efficacy of cathodic protection and a system for effecting non-destructive testing, respectively. The group II claims do not require the radiation transmitter and receiver of the group III claims and the group III claims do not require a means for measuring efficacy of the cathodic protection.

Inventions II and IV are directed to a system for controlling the efficacy of cathodic protection and a system for measuring characteristic of a metallic structure, respectively. The group II claims do not require a means for measuring the characteristic of the metal structure of group IV claims and the group IV claims do not require the means for measuring the efficacy of the cathodic protection.

Inventions II and V are directed to a system for controlling the efficacy of cathodic protection and a system for mitigating stray current, respectively. The group II claims do not require a means for predetermining a location of stay current discharge and a means for mitigating stray current discharge as in the group V claims and the group V claims do not require a means for measuring the efficacy of cathodic protection.

Inventions III and IV are directed to a system for effecting non-destructive testing and a system for measuring characteristic of a metallic structure, respectively. The group III claims do not require a means for sensing the characteristic of a metal structure as in the group IV claims and the group IV claims do not require a radiation transmitter and receiver as do the group III claims.

Inventions III and V are directed to a system for effecting non-destructive testing and a system for mitigating stray current, respectively. The group III claims do not require a means for mitigating a stray current as in the group V claims and the group V claims do not require a radiation transmitter and receiver.

Inventions IV and V are directed to a system for measuring characteristic of a metallic structure and a system for mitigating stray current, respectively. The group IV claims do not require a means for mitigating a stray current as in the group V claims and

the group V claims do not require a means for sensing a characteristic of the metal structure.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. A telephone call was made to Mr. Mark Sajewycz on February 7, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BFB
February 7, 2006

Bruce F. Bell
Primary Examiner
Art Unit 1746